

REMARKS

This responds to the Office Action mailed on March 26, 2008.

Claims 1, 8, and 15 are amended; as a result, claims 1-20 are now pending in this application.

Example support for the amendments may be found in a variety of locations throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification paragraph 12 (and in the incorporated application at paragraphs 18, 28-29, 45, and 47).

Applicant does not believe that the amendments necessitate any new searching on the part of the Examiner; as such, Applicant respectfully requests that entry of the amendments be made.

§103 Rejection of the Claims

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McGarrah et al. (U.S. Publication Number 2003/0026424; hereinafter "McGarrah") in view of Ishibashi et al. (U.S. 2001/0053223; hereinafter "Ishibashi") and Ishiguro et al. (U.S. 7,266,691; hereinafter "Ishiguro"). It is of course fundamental that in order to sustain an obviousness rejection that each and every limitation in the rejected claims must be taught or suggested in the proposed combination of references.

Neither of the references discusses providing the media player with the media stream via a WWW browser. Specifically, the McGarrah reference uses a technique via a STB not a browser and Ishibashi requires a pre-installed program on a PC that is not part of any WWW browser. Both these techniques are not as portable and usable as what Applicant has done, where the media stream and player are attached together and accessible and process within a WWW browser.

Thus, the rejections with respect to these references should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

Claims 8-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McGarrahan in view of Ishibashi and Kempf et al. (U.S. Publication Number 2004/0240669; hereinafter “Kempf”). Again, to sustain an obviousness rejection each and every limitation has to be taught or suggested in the proposed combination of references.

As stated above the McGarrahan and Ishibashi references fail to teach or suggest any notion of a media player streamed and executing within a WWW browser. The Kempf reference also completely fails to teach this limitation as well.

Accordingly, the rejections with respect to these references should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

Claims 15-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McGarrahan in view of Ishibashi and Spagna et al. (U.S. 6,859,791; hereinafter “Spagna”). Obviousness can only be sustained when each and every claim limitation is taught or suggested in the proposed combination of references.

Spagna includes a play application 195 that is completely separate from the browser, see FIG. 1D and related discussions about the play application. Moreover, Applicant has already demonstrated that the other references fail to teach any media player that executes within a browser. Thus, the rejections of record should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

Claims 6-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McGarrahan, Ishibashi and Ishiguro and further in view of Yamasaki et al. (U.S. Publication Number 2002/0161997; hereinafter “Yamasaki”). Claims 6-7 are dependent from amended independent claim 1; thus, for the amendments and remarks presented above with respect to independent claim 1, the rejections of claims 6-7 should be withdrawn and these claims allowed.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

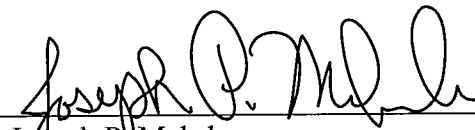
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 06/26/08

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS AF Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of June, 2008.

Name

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Signature

